HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.4313 of 2000

Dated 23rd Day of July, 2007

Between:

N. Damodhar Reddy .. Petitioner

And

The District Collector,
Nalgonda District
and four others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the Proceedings dated 23.11.1999 issued by the 1st respondent-District Collector, as arbitrary and illegal, and consequently direct the respondents to acquire the petitioner's land of an extent of Ac.06.00 cents in S.No.19 situated in Suryapet village under the Land Acquisition Act, 1894 (for brevity "the Act").

The petitioner asserts that he owns an extent of Ac.06.00 cents of land in S.No.19 situated in Suryapet village. When his land was submerged in Pulla Reddy Cheruvu, he filed W.P.No.3684 of 1997, and this Court, while disposing it of on 2.3.1998, directed the 1st respondent-District Collector to get the land in question surveyed through the authorities to find out as to what extent of the petitioner's land was submerged in the tank and thereafter initiate proceedings under the Act and pay compensation to him. In pursuance of the direction, the 1st respondent-District Collector got surveyed the land in question through the 3rd respondent-Mandal Revenue Officer, who sent a report to him to the effect that the submerged land was Ac.05.26 guntas, but did not pay compensation. While so, the 2nd respondent-Revenue Divisional Officer, issued Proceedings dated 10.10.1998 cancelling the petitioner's pass book and title deed. Aggrieved by this order, when the petitioner filed W.P.No.33692, this Court, by its order, dated 23.2.2000 in W.P.M.P.No.41412 of 1998, suspended the operation of the 2nd respondent's order. Now, the grievance of the

petitioner is that the 1st respondent-District Collector issued the impugned Proceedings dated 23.11.1999 holding that the petitioner is not entitled to compensation on the ground that the submerged land of an extent of Ac.3.36 guntas has been in existence since 200 years and this land is in the name of Suryapet Municipality from 1964-65 to 1994-95 and the petitioner is not entitled to seek acquisition of land.

Having heard the learned counsel for both the parties, this Court is of the view that if the 3rd respondent-Mandal Revenue Officer, after holding an enquiry as was directed in W.P.No.33692 of 1998 comes to the conclusion that the petitioner is entitled for ryotwari patta and title deed, then the competent authority may consider his claim for compensation for the submerged land and pass appropriate orders in accordance with law.

With the above observation, this writ petition is disposed of. No costs.

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23.07.2007

bcj